



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

**77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590**

REPLY TO THE ATTENTION OF:

AE-17J

JUL - 9 2010

Mr. Scott Jacoby
Owner & Operator
Harsco Track Technologies
415 North Main Street
Fairmont, Minnesota 56031

Re: Request for Exemption from Paint Stripping and
Miscellaneous Surface Coating Operations Rule at
Area Sources

Dear Mr. Jacoby:

Thank you for your December 21, 2009 submission to the Environmental Protection Agency for exemption from the motor vehicle and mobile equipment surface coating requirements of the National Emission Standards for Hazardous Air Pollutants (NESHAP), Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources, 40 CFR Part 63, Subpart HHHHHH ("MACT 6H"). Your request for exemption is in regard to Harsco Track Technologies Fairmont Operations facility located at 415 North Main Street, Fairmont, Minnesota 56031.

Eligibility for exemption from 40 CFR § 63.11170(a)(2) requires that you "demonstrate, to the satisfaction of... [EPA], that you spray apply no coatings that contain the target HAP, as defined in §63.11180." Based on information provided in your December 21, 2009 signed petition for exemption, product information provided by Diamond Vogel Paints, and Material Safety Data Sheets certified by Diamond Vogel Paints, Harsco Track Technologies Fairmont Operations facility is exempt from Subpart HHHHHH requirements for spray applied coatings.

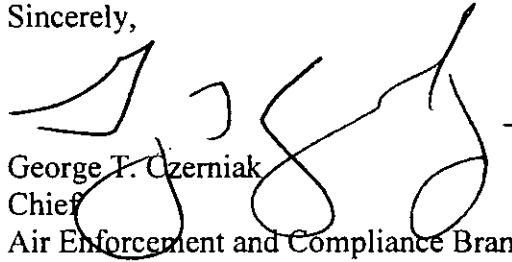
Keep a record of this exemption on site at your facility for as long as you perform motor vehicle and mobile equipment surface coating operations. If circumstances change such that your facility intends to spray apply coatings containing any target HAP, the owner or operator must submit the initial notification required by 40 CFR § 63.11175 and comply with the requirements of this subpart.

This exemption is based on information that you have provided to EPA. Nothing in this exemption shall be construed as limiting the ability of EPA or delegated agencies to pursue enforcement action, if it is determined that your facility was not eligible for this exemption or for

any other violations under the Clean Air Act. Providing false information to a federal official is a criminal violation pursuant to federal law, 18 U.S.C. § 1001.

If you have any questions regarding this response, you may contact Jon Kershner of my staff at (315)-886-6793.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Czerniak', is written over the printed name and title.

George T. Czerniak
Chief
Air Enforcement and Compliance Branch